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Products harmful to health and the environment

Report of the Secretary-General

Summary

The present report is submitted pursuant to Economic and Social Council decision 2007/264 and presents the views of Member States and relevant intergovernmental entities on the continued usefulness for Member States of the Consolidated List of Products Whose Consumption and/or Sale have been Banned, Withdrawn, Severely Restricted or Not Approved by Governments. The report also contains recommendations for the consideration of the Council.

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I. Introduction

1. The issue of products harmful to health and the environment has been under discussion in the General Assembly since 1979. In its resolution 37/137, the Assembly requested the Secretary-General to prepare a Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments on the basis of the work already being undertaken within the United Nations system. In its resolution 39/229, the Assembly decided, inter alia, that an updated Consolidated List should be issued annually and requested the Secretary-General to inform the Assembly, at its forty-first session and every three years thereafter, through the Economic and Social Council, on the implementation of the aforementioned resolutions.

2. The reports of the Secretary-General prepared for the triennial review,[1] provided an overview of major activities undertaken by entities of the United Nations system and other major developments in the area of environmentally sound management of chemicals, and made recommendations on the possible impact of those developments on the format, content, coverage, production schedule and distribution pattern of the list. Since 2003, accumulated data has been posted on the website of the Office of Economic and Social Council Support and Coordination of the Division for Economic and Social Affairs, where it is updated and only new data published for limited distribution, for the benefit of those users, particularly in developing countries, who may not have easy access to the electronic version of the List. The most recent issues, the eleventh on chemicals, and the twelfth on pharmaceuticals, are available at http://www.un.org/esa/coordination/desc.htm under "publications".

3. In response to Council resolution 2004/55, which is the most recent on the List,[2] the report of the Secretary-General on products harmful to health and the environment (A/62/78-E/2007/62) was submitted for the triennial review in 2007. In his report, the Secretary-General recommended the elimination of the mandate of regularly updating the List, as contained in General Assembly resolution 37/137.

4. In its oral decision 2007/264, the Council took note of the above-mentioned report, and requested the Secretary-General, in consultation with Member States and relevant intergovernmental entities, to evaluate the continued usefulness for the Member States of the *Consolidated List of Products Whose Consumption and/or Sale have been Banned, Withdrawn, Severely Restricted or Not Approved by Governments*, and to report to the Council at its substantive session of 2008.

II. Views of Member States and United Nations entities

5. In pursuance of the above decision of the Council, a note verbale was sent to all Member States in January 2008 requesting their views on the continued usefulness of the publication. Having received an extremely limited number of responses, a follow-up communication was sent to remaining Member States in

[1] See A/41/329-E/1986/83, A/44/276-E/1989/78, A/47/222-E/1992/57, A/50/182 and Corr.1-E/1995/66 and Corr.1, A/53/156-E/1998/78, A/56/115 and Corr.1-E/2001/92 and Corr.! and A/59/81-E/2004/63.

[2] For other relevant resolutions regarding the List, see General Assembly resolutions 38/149 and 44/226 and Economic and Social Council resolutions 1998/41 and 2001/33.

March 2008 extending by one month the deadline for submission of comments. A separate letter was also transmitted to relevant intergovernmental entities, as requested in the above Council decision, soliciting their comments on the continued usefulness of the List.

A. Views of Member States

6. The United Nations Secretariat received replies from eight Member States in response to the note verbale. The relevant portions of the communications received from Member States are set forth below.

Argentina

[Original: Spanish]

7. Taking into account the information about the background and characteristics of the List contained in the Secretariat's note, the Argentine Government wishes to stress the usefulness of publishing the said List and, in particular, of making it accessible via the Internet. In this connection, it would be helpful if there were a link to the List on the websites of the secretariats of the conventions relating to chemicals and their wastes, such as the Stockholm, Rotterdam and Basel Conventions.

8. A similar recommendation could also be made with respect to the websites of the secretariat of the Strategic Approach to International Chemicals Management and of the other United Nations organizations that contribute to the List, such as the Food and Agriculture Organization of the United Nations (FAO).

Australia

9. In the view of the Australian Government, the List is useful in assisting government agencies to keep abreast of regulatory decisions taken by other Governments and assists them in considering the scope for their own possible regulatory action. Moreover, recent changes to the presentation of the List (including the publication of separate issues to cover pharmaceuticals and chemicals) have made it more user-friendly. The List is also considered to be an important tool for public interest and consumer groups in bringing to the attention of governments and manufacturers the need to take appropriate regulatory action on hazardous chemicals, as in the case of nominating chemicals for priority review. The List may also be utilized to garner information on the international regulation of a chemical.

Finland

10. The Ministry of Social Affairs and Health of Finland has evaluated the list mentioned above using random sampling. Three substances were randomly picked from the list and looked upon. Through these steps the Ministry came to the conclusion that at least the information provided for these substances was out of date, and, for the list to be of use, for instance, all the European Community level restrictions would have to be taken into account and updated into it. In addition to this, the list should be made into a more compact format, which would make the

files easier to open and thus more accessible, at least for computers running on slower connections. If the list were up to date, it would be of use.

Guyana

11. The Food and Drug Department of Guyana would find the information contained in the publication useful when executing its functions.

India

12. India has no objection to the discontinuation of the publication.

Mexico

[Original: Spanish]

13. In the view of the Government of Mexico, the List continues to be very useful; the mandate of regularly updating the List, as contained in resolution 37/137, should, therefore, be continued. Even though legally binding instruments and other voluntary initiatives in the international arena already provide a structure and the tools for protecting the world's population and improving chemicals management, the Consolidated List is a valuable instrument for facilitating information and decision-making on products which are restricted in some countries but still available in others.

14. The List also plays an extremely important role in sensitizing the Governments, civil society and industry of various countries regarding the health-related and environmental effects of hundreds of products that are still not covered under the multilateral conventions on the subject. For that reason, it is necessary to continue updating the Consolidated List, which clearly complements efforts to gather and disseminate information within the international regime governing chemicals and their wastes.

15. The Government of Mexico therefore recommends suggesting to the secretariats of the multilateral conventions and United Nations system intergovernmental bodies concerned that their websites should provide access to the Consolidated List.

Philippines

16. The Philippines has submitted a list of products that are banned and/or restricted in its territory. The list is in addition to all the chemicals listed in the Montreal Protocol on Substances That Deplete the Ozone Layer, the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on Prior Informed Consent, to which the Philippines is a party.

Switzerland

17. The competent authorities in Switzerland make intermittent use of the United Nations list of products harmful to health and the environment. Switzerland believes that the Secretariat of the Convention on Prior Informed Consent is the most suitable body to keep the list updated, as this is also the international body to whom Swiss chemical restrictions are communicated.

B. Views of relevant United Nations entities

Food and Agriculture Organization of the United Nations

18. The Food and Agriculture Organization of the United Nations (FAO) notes that much of the data contained in the document predates 1995, with more recent data being drawn from the prior informed consent circulars prepared under the Rotterdam Convention. The information contained in the prior informed consent circulars is supplemented with product names and manufacturers. From our extensive work with regulatory authorities in developing countries, we believe that the List is not well known or widely used. In addition, we note that it is available only in printable document format.

19. In its present format, and relying largely on Rotterdam Convention prior informed consent circulars for updates, we believe that the list is of limited value. However, we believe that with some modifications it could become a very valuable resource for Member States.

20. For example, were the list converted into a searchable database with options for including data above and beyond that included in prior informed consent circulars, we believe that it would meet an important and frequently expressed need of chemical regulators in developing countries. FAO would be willing and interested in participating in a discussion to re-evaluate the current list and propose ways in which it could be developed.

III. Conclusions and recommendations

21. The List was mandated in 1982 as part of an effort to disseminate as widely as possible information already available within the United Nations system on products harmful to health and the environment. It has served that purpose very well over the years. However, more recently, as noted in the 2007 triennial report, which contained a review of the List (see A/62/78-E/2007/62), the secretariats of legally binding chemical conventions (Rotterdam, Stockholm and Basel) have been able to provide much more accessible and detailed information, electronically and otherwise, than could be included in the List. This situation had rendered the continued publication of the List redundant.

22. In addition, in his report on the facilitation and review of mandates (see A/60/733, para. 76), the Secretary-General had already proposed that the responsibility for issuing the List could be transferred from the Department of Economic and Social Affairs to the United Nations Environment Programme and the World Health Organization, which organizations possess substantive expertise on chemicals and pharmaceuticals.

23. Moreover, the lack of response from any relevant intergovernmental entity dealing with the issue (except FAO), and the very few responses received from Member States — none of which was particularly positive — point towards the diminishing value attached to the publication compared to when it was mandated more than two decades ago.

24. **The Economic and Social Council may wish to consider recommending the elimination of the mandate of regularly updating the List, as contained in General Assembly resolution 37/137 of 17 December 1982.**